

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN K. TICESON,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

Case No. C05-5007FDB

ORDER GRANTING DEFENDANTS'
MOTION FOR AN EXTENSION OF
TIME TO FILE A DISPOSITIVE
MOTION

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is defendants' motion asking for a 21 day extension of time until January 27th, 2006 to file a dispositive motion. (Dkt. # 15). The reasons given for the extension of time are workload and difficulty contacting clients during the holiday season.

Counsel filed a summary judgement motion on January 27th, 2006. The motion for an extension of time is **GRANTED**.

Plaintiff's response to defendant's motion will be due on or before February 17th, 2006 and any reply will be due on or before February 24th, 2006. Plaintiff is again reminded:

If one of the parties files a motion for summary judgment pursuant to Federal Rules of

ORDER

1 Civil Procedure 56, the opposing party should acquaint him/herself with Rule 56.
2 Rule 56 requires a nonmoving party to submit affidavits or other evidence in
3 opposition to a motion for summary judgment if the moving party has shown the
4 absence of issues of material fact and an entitlement to judgment as a matter of law.
5 A nonmoving party may not rest upon the mere allegations or denials of prior
6 pleadings. Rather, successful opposition to a motion for summary judgment requires
7 the nonmoving party to set forth, through affidavits or other evidence, specific facts
8 showing a genuine issue for trial. Failure by the nonmoving party to oppose a
9 summary judgment motion or to present counter evidence could result in the Court
10 accepting the moving party's evidence as the truth, and entering final judgment in
11 favor of the moving party without a full trial. Rand v. Rowland, 113 F.3d 1520 (9th
12 Cir. 1997).

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14 The Clerk is directed to send a copy of this Order to plaintiff, and counsel for defendant.

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16 DATED this 3rd day of February, 2006.

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Karen L. Strombom
United States Magistrate Judge

ORDER